

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JUSTIN TRIPP,

Case No. 2:17-cv-01964-JCM-PAL

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Plaintiff,

ORDER

CLARK COUNTY, *et al.*,

Defendants.

Justin Tripp (“Plaintiff”), a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983, filed an application to proceed *in forma pauperis*, and filed a motion for appointment of counsel. (ECF Nos. 1, 1-1, 4). The matter of the filing fee and appointment of counsel will be temporarily deferred. The court now turns to plaintiff’s civil rights complaint pursuant to 28 U.S.C. § 1915A.

I. LEAVE TO AMEND

It appears to the court that plaintiff's complaint is missing several pages. In plaintiff's letter to the court dated July 7, 2017, plaintiff states that his complaint is 23 pages long. (ECF No. 1-2 at 3). Plaintiff's complaint as docketed is only 18 pages long, and does not include a request for relief, which generally falls at the end of a complaint. (See ECF No. 1-1). Therefore, the court will give plaintiff leave to amend his complaint prior to screening.

If plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint

1 must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.* ,
2 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the
3 original complaint is irrelevant; an amended pleading supersedes the original”). Plaintiff’s
4 amended complaint must contain all claims, defendants, and factual allegations that
5 plaintiff wishes to pursue in this lawsuit. Moreover, plaintiff must file the amended
6 complaint on this court’s approved prisoner civil rights form and it must be entitled “First
7 Amended Complaint.”¹

8 The court notes that if plaintiff chooses to file an amended complaint curing the
9 deficiencies, as outlined in this order, plaintiff shall file the amended complaint within thirty
10 (30) days from the date of entry of this order. If plaintiff chooses not to file an amended
11 complaint curing the stated deficiencies, this action shall be screened based on the original
12 complaint docketed at ECF No. 1-1.

13 **II. CONCLUSION**

14 It is therefore ordered that a decision on the application to proceed *in forma*
15 *pauperis* (ECF No. 1) is deferred.

16 It is further ordered that a decision on the motion for appointment of counsel (ECF
17 No. 4) is deferred.

18 It is further ordered that, if plaintiff chooses to file an amended complaint curing the
19 deficiencies of his complaint, as outlined in this order, plaintiff shall file the amended
20 complaint within thirty (30) days from the date of entry of this order.

21 It is further ordered that the clerk of the court shall send to plaintiff the approved
22 form for filing a § 1983 complaint, instructions for the same, and a copy of his original
23 complaint (ECF No. 1-1). If plaintiff chooses to file an amended complaint, he must use
24 the approved form and he shall write the words “First Amended” above the words “Civil
25 Rights Complaint” in the caption.

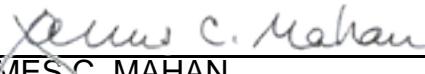
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28 ¹ If plaintiff so chooses, he may simply send the court a complete copy of his original
complaint, with a new title page entitled “First Amended Complaint.”

1 It is further ordered that if plaintiff chooses not to file a first amended complaint, the
2 court will issue a separate screening order on the original complaint (ECF No. 1-1) as
3 docketed.

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5 DATED THIS July 23, 2018.

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JAMES C. MAHAN
8 UNITED STATES DISTRICT JUDGE

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